

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JASON CRONKRIGHT,

Plaintiff,

v.

Case No. 13-11183

DIVERSIFIED CONSULTANTS, INC.,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT
AND GRANTING DEFENDANT'S MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S COMPLAINT**

Plaintiff Jason Cronkright sued Defendant Diversified Consultants, Inc., in small claims court for violating the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* Defendant timely removed and moved for an extension of time to respond to the complaint. Defendant sought additional time so that it could speak with Plaintiff, gain a better understanding of his claims, and discuss whether settlement was an option. Plaintiff moved to amend his complaint to include additional factual allegations and claims that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, the Michigan Occupational Code, Mich. Comp. Laws § 339.915, and the Michigan Collection Practices Act, Mich. Comp. Laws § 445.252.

The parties engaged in settlement negotiations but were unable to reach an agreement. A scheduling conference was held, during which the parties appeared to agree that Plaintiff could amend his complaint and that Defendant should be given an extension to respond. Indeed, neither party has filed a response to the other's motion.

A hearing on the motions is unnecessary, see E.D. Mich. LR 7.1(f)(2), and both will be granted.

A plaintiff may amend a complaint with the court's leave. Fed. R. Civ. P. 15(a)(2). "The court should freely give leave when justice so requires." *Id.* Leave should be freely given "[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of amendment." *Forman v. Davis*, 371 U.S. 178, 182 (1962). Plaintiff's proposed amended complaint alleges new facts and claims not included in his small claims court complaint. There does not appear to be a reason to deny leave, and the court will grant Plaintiff's motion.

The court may, for good cause, extend the time for a defendant to respond to a complaint. Fed. R. Civ. P. 6(b)(1). Here, Defendant sought an extension so that it could clarify Plaintiff's claims and discuss settlement. Good cause exists to grant Defendant an extension to respond to Plaintiff's complaint. Accordingly,

IT IS ORDERED that Plaintiff's motion for leave to file an amended complaint [Dkt. # 5] is GRANTED. Plaintiff is DIRECTED to file his amended complaint by **June 3, 2013**.

IT IS FURTHER ORDERED that Defendant's motion for an extension of time to respond to Plaintiff's complaint [Dkt. # 3] is GRANTED. Defendant is DIRECTED to respond to Plaintiff's amended complaint by **June 17, 2013**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 31, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 31, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522